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2 **Carlos A. Prietto, III**, SBN 166410
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8
9 Attorneys for Plaintiffs

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12
13 IN RE: BEXTRA AND CELEBREX
14 MARKETING, SALES PRACTICES
15 AND PRODUCTS LIABILITY
16 LITIGATION

) Case No. M:03-CV-01699-CRB

) MDL No. 1699

) JUDGE BREYER

17 This document relates to:

18 **DEBORAH WHITTAKER, individually**
19 **and as Guardian Ad Litem for**
20 **MAUREEN C. WHITTAKER, LUCY**
21 **M. WHITTAKER and PETER J.**
22 **WHITTAKER, Successors-in-Interest**
23 **of the Estate of BRIAN FRANCIS**
24 **WHITTAKER, Deceased**
25 **Individual Case No. 3:06-cv-00353-CRB**

) **STIPULATION AND ORDER OF**
) **DISMISSAL ONLY AS TO CASE**
) **NUMBER CV 05-06389-SJO,**
) **ORIGINALLY FILED IN THE**
) **CENTRAL DISTRICT OF**
) **CALIFORNIA**

26 **IT IS HEREBY STIPULATED AND AGREED** by and between counsel
27 for Plaintiffs and counsel for Defendants that the Complaint of Plaintiffs
28 DEBORAH WHITTAKER, individually and as Guardian Ad Litem for MAUREEN
C. WHITTAKER, LUCY M. WHITTAKER and PETER J. WHITTAKER,

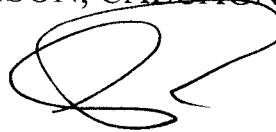
1 Successors-in-Interest of the Estate of BRIAN FRANCIS WHITTAKER, Deceased,
2 Case Number CV 05-06389-SJO, originally filed in the Central District of California
3 on September 6, 2005 and later transferred to MDL No. 1699, *In Re: Bextra and*
4 *Celebrex, Marketing, Sales Practices and Products Liability Litigation*, with the
5 assigned individual case number 3:06-cv-00353-CRB, may be and is hereby
6 dismissed without prejudice.

7 The parties hereby stipulate that Plaintiffs will proceed in the MDL only
8 through the California action, and jurisdiction and venue for the trial of the action
9 will be proper in whichever of the following is selected by Pfizer: San Francisco,
10 Los Angeles, Missouri.

11 The parties shall each bear their own costs.

12
13 Dated: May 8, 2006

ROBINSON, CALCAGNIE & ROBINSON



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27 DEBORAH WHITTAKER, et al.

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1 Dated: May 17, 2006

GORDON & REES

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11 *Defendants' Liaison Counsel*

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13 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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16 Dated: May 18, 2006

17 HONORABLE CHARLES R. BREYER

